

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LARRY TOTTEN as CHAIRMAN and
JOSE MORENO as CO-CHAIRMAN of
the BOARD OF TRUSTEES FOR THE
LABORERS PENSION TRUST FUND
FOR NORTHERN CALIFORNIA,

No. C 04-5441 SBA

ORDER

Plaintiffs,

[Docket No. 63]

v.

DORATRIZ CERVANTEZ, et al.,

Defendants.

This matter comes before the Court on Defendant and Cross-Defendant Christine Largaespada's ("Largaespada") Ex Parte Application for Permission to File Motion to Set Aside Default ("Ex Parte Application") [Docket No. 63]. The Ex Parte Application is unopposed. Having read and considered the papers submitted by Largaespada in support of the Ex Parte Application, the Court finds that Largaespada has demonstrated the existence of good cause warranting leave to file a Motion to Set Aside Default.

Accordingly,

IT IS HEREBY ORDERED THAT Largaespada's Ex Parte Application for Permission to File Motion to Set Aside Default [Docket No. 63] is GRANTED.

IT IS FURTHER ORDERED THAT Largaespada's Motion to Set Aside Default shall be filed **no later than March 31, 2006** and shall be noticed for hearing on **May 2, 2006 at 1:00 p.m.** Defendant and Cross-Defendant Cervantez shall file her opposition to the Motion to Set Aside Default, if any, **no later than April 11, 2006** and Largaespada shall file her reply, if any, **no later than April 18, 2006.**

IT IS FURTHER ORDERED THAT the April 4, 2006 hearing on Cervantez' Motion for Default Judgment is CONTINUED to **May 2, 2006 at 1:00 p.m.** The Court may, in its discretion, adjudicate

1 the Motion to Set Aside Default or the Motion for Default Judgment without a hearing, in which case
2 the Court will notify the parties that no appearance is necessary.

3 IT IS FURTHER ORDERED THAT the parties shall immediately engage in a meaningful meet
4 and confer regarding the two motions pending before the Court to see if the parties can reach an
5 informal resolution of the motions without the need for further intervention by the Court. If the parties
6 reach an agreement that default should not have been entered and that the instant case should proceed
7 on its merits, the parties shall promptly file the appropriate stipulation and/or the necessary documents
8 with the Court.

9 IT IS FURTHER ORDERED THAT if this case is still pending after the May 2, 2006 hearing,
10 the parties shall appear for a telephonic Case Management Conference on **Thursday, May 11, 2006**
11 **at 2:30 p.m.** The parties shall **meet and confer** prior to the conference and shall prepare a joint Case
12 Management Conference Statement which shall be filed no later than **May 5, 2006**. Counsel for
13 Cervantez shall be responsible for filing the statement as well as for arranging the conference call. All
14 parties shall be on the line and shall call (510) 637-3559 at the above indicated date and time.

15 IT IS SO ORDERED.

16 Dated: 3/29/06

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18 SAUNDRA BROWN ARMSTRONG
19 United States District Judge
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